



State of New Jersey  
DEPARTMENT OF HEALTH AND SENIOR SERVICES  
OFFICE OF EMERGENCY MEDICAL SERVICES  
PO BOX 360  
TRENTON, N.J. 08625-0360

JON S. CORZINE  
Governor

[www.nj.gov/health](http://www.nj.gov/health)

FRED M. JACOBS, M.D., J.D.  
Commissioner

July 20, 2006

Mr. Fredrick Fabozzi  
Bell Medical Transport  
251C Rutgers Street  
Maplewood, NJ 07040

Re: **Notice of Proposed Assessment of Penalties:**  
**Mobility Assistance Vehicle Service Provider**  
Investigation Control # 06-B-022

Dear Mr. Fabozzi:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1, et seq.) which was enacted, in part, to ensure that hospital and related health care services rendered in New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include ambulance services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1 et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle services. I apologize for the delay of this notice.

Furthermore, N.J.S.A. 26:2H-5 grants the Commissioner of Health and Senior Services the power to inquire into health care services and to conduct periodic inspections with respect to the fitness and adequacy of the equipment and personnel employed by those services. As such, in furtherance of each of the aforementioned statutory objectives, the Department of Health and Senior Services (the Department) adopted regulations that govern the licensure and inspection of ambulance and mobility assistance vehicle service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1, et seq.

On August 19, 2005, staff of the Office of Emergency Medical Services (OEMS) conducted an unannounced vehicle inspection of Bell Medical Transport vehicle # 53, New Jersey license plate #X70295, at Irvington General Hospital in

Irvington, New Jersey. The unannounced vehicle inspection revealed several deficiencies.

The following deficiencies were identified:

1. The vehicle's equipment box in the rear of the vehicle was not secured;
2. A spare tire located inside the vehicle was not secured;
3. The roll stop located on the vehicle's lift was not functioning; and
4. The manual lift mechanism on the vehicle's lift was broken.

As you should know:

N.J.A.C. 8:40-4.4(e)7 states, "All equipment and supplies carried on the vehicle shall be stored in a crashworthy manner (that is, they shall remain firmly in place and shall not present a hazard to any vehicle occupant in the event of an accident or sudden change in vehicle speed or direction). There shall be sufficient cabinets and other storage spaces within the vehicle so as to meet this requirement. Crashworthy retention systems shall not incorporate rubber straps, "shock cords" or Velcro [FN®]-type closures."

N.J.A.C. 8:40-5.7(c) states, "The lift, as well as any ramp that relies on electric, hydraulic or other power for its operation, shall be capable of manual operation by an unassisted person or there shall be a manually operated backup device. The manual backup device shall be capable of both lifting and lowering the patient and shall perform either function within five minutes."

Pursuant to N.J.A.C. 8:40-7.2(c), violation of any portion of N.J.A.C. 8:40 by a provider may be cause for action against the provider, including, but not limited to, suspension or revocation of a provider's license, a formal written warning, monetary penalty, placing the provider's vehicle in "Department-Initiated-Out-of-Service" (DIOOS) status, placing of conditions for continued operation by the provider and/or refusal to issue or renew a license.

As such, in accordance with N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(e), you are hereby assessed a penalty of \$250 for violation of N.J.A.C. 8:40-4.4(e)7, as well as \$250 for violation of N.J.A.C. 8:40-5.7(c).

A certified check or money order in the amount of \$500, made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-7.2(h), failure to pay this penalty may result in the delinquent account being referred to the Office of the Attorney General for collection (N.J.S.A. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Emergency Medical Services  
P.O. Box 360  
Trenton, N.J. 08625-0360  
Attn: Ms. Karen Halupke

Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.3, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the deficiency noted above. In the event that you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Legal & Regulatory Affairs  
Trenton, N.J. 08625-0360  
Attn: Ms. Michele Stark

Please include control number 06-B-022 on all of your correspondence.  
**Finally, please note that failure to submit a request for a hearing within 30 days from the date of this Notice shall render this Notice final and the entire \$500 shall be immediately due and payable.**

If you have any questions concerning this matter, please do not hesitate to contact Samuel Stewart, Esq. of my office at (609) 633-7777.

Sincerely,



Karen Halupke RN, M.Ed.  
Director, Emergency Medical Services

c: David Gruber, Senior Assistant Commissioner,  
Division of Health Infrastructure Preparedness and Emergency Response  
Joseph Tricarico, Jr., Assistant Commissioner,  
Health Infrastructure Preparedness Bureau  
Michele Stark, OLRA  
Samuel Stewart, Esq., OEMS  
Charles McSweeney, OEMS

SENT VIA REGULAR US MAIL AND  
CERTIFIED MAIL #7003 1010 0005 3128 3699  
***RETURN RECEIPT REQUESTED***